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MESSAGE OF
HENRY M. HOYT
GOVERNOR
OF
PENNSYLVANIA
1881.

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MESSAGE

OF

HENRY M. HOYT,

TO THE

GENERAL ASSEMBLY

OF

PENNSYLVANIA,

JANUARY 4, 1881.

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1881.

VIRTUE
LIBERTY AND
INDEPENDENCE

[No. 1.]

MESSAGE

OF THE

GOVERNOR OF PENNSYLVANIA,

JANUARY 4, 1881.

Gentlemen of the Senate and House of Representatives:

You are assembled, in pursuance of the expressed will of the electors of a great State, to exercise the very highest function of government—the making of the laws of a free Commonwealth. The prosperity, happiness, and contentment of the people you represent are so wide-spread and marked as to call for renewed and thankful recognition of the Providence which has led us forward, not only as a State but as a nation. Our citizens may well exchange congratulations that Pennsylvania has, in many respects, realized the best human anticipations of an ideal Republic.

The history of civilized communities has rarely presented such a spectacle of growth and power as is illustrated by the four millions of men and women who compose your constituencies—normal growth and assured power in intellectual, moral, and industrial relations. Labor, skill, and capital adequately rewarded—activities in every calling and pursuit, intelligently guided—effectual control over external conditions, and a self-restraint worthy of the discipline which has imposed it, everywhere characterize our line of advancement. The unhappy antagonisms which have sometimes seemed to prevail between our different forms of industry have disappeared. A fuller understanding of each other, and a freer intercourse and discussion of our interdependencies has reconciled, for the present, at least, the conflicts between labor and capital, unfortunately so characterized. It is better apprehended that there are no *classes* in our population, but that we are a united homogeneous people, pursuing a common practical end. The la-

borer of this year is the capitalist of the next; and our "classes" are constantly interchanging their membership.

Approaching the work before you, you are to deal with a stable and fixed social mechanism. The great frame-work of our institutions, and the methods by which we are to proceed, are embodied and outlined in our Constitution. It may safely be said to be as well-balanced and adjusted a piece of governmental organism as any people has as yet formulated. With it, is the great body of statute laws which your predecessors have, from time to time, framed to meet the changing exigencies and growing needs of an expanding population. Under all, is the wider sphere of the *unwritten law*, the universal rules of duty, and the fundamental principles of morals, which must regulate the great body of our actions, and to which our habitual conduct must conform—the motives to obey which, the written law can neither give nor take away. But discretion, intelligence, and justice are none the less required in the rules of individual and corporate conduct you shall see proper to prescribe. Good citizenship requires obedience and steady support to the laws you make. Those statutes alone will be fully obeyed, and receive the sanction of conformity, which are in accordance with the habits, traditions, and associations of the people—which are in harmony with them and their proper and approved purposes. It is the main object of the law, and sole duty of those appointed to enforce it, to provide that justice and fair play obtain, under which industry may be organized, commodities be made and exchanged, and the great religious and charitable institutions be allowed to advance under the natural law of their development. While you hold yourselves to the full requirements of honesty, zeal, and conscientious discharge of duty, you have a correlative right to enforce, even against those whom you represent. Appealing to the correctness of your own motives, you have a right to demand that you shall receive a fair, honest, and discriminating judgment upon your work. You have a right to exemption from detraction—from malicious criticism and frivolous comment. You have a right to have your official actions looked upon from the standpoint which you yourselves occupy, and judged by the measure of the duty you have bestowed upon them. You have a right to trustful support, and freedom from flippant abuse, intended to belittle and degrade the very functions you have assumed, in behalf of the public, to discharge; and to an attitude on the part of the public which shall not vitiate and render void the very work you have consented, at the public call, to undertake.

This is the first session of the General Assembly since the vacation of two years, under the constitution of 1873. While all the other departments have gone on as usual, there has been a wide interval in legislative work. This has released public attention from many interests, and has led to an absence of that public discussion by which the best results are to be obtained. A consideration of this has led me to endeavor to present a more detailed view of public affairs, which will fall under your supervision, than might otherwise have been necessary. The first to claim your attention will be the condition of our State finances.

STATE FINANCES.

The annexed tables show the sources of revenue and the expenses of the State.

Summary of Receipts at the State Treasury, from the 1st day of December, 1879, to the 30th day of November, 1880, both days inclusive.

Tax on corporation stock,	$1,352,048 98
Tax on gross receipts,	656,030 94
Tax on income,	51,403 23
Tax on premiums,	199,847 62
Tax on coal companies,	811,139 16
Tax on loans,	300,066 14
Tax on writs, wills, deeds, &c.,	104,371 83
Tax on personal property,	423,676 88
Tax on bank stock,	339,512 56
Tax on collateral inheritance,	605,441 29
Bonus on charters,	34,663 44
Accrued interest,	9,151 75
Refunded cash,	2,202 42
Retailers' licenses,	196,280 52
Eating-house licenses,	29,279 04
Tavern licenses,	685,717 66
Liquor licenses,	30,180 25
Peddlers' licenses,	1,290 60
Auction licenses,	6,343 16
Brokers' licenses,	7,708 52
Billiard licenses,	7,523 41
Theater and circus licenses,	2,188 00
Brewers' and distillers' licenses,	8,558 39
Patent medicine licenses,	1,684 20
Land,	2,839 00
Fees of office,	39,377 37
Notary Public commissions,	6,575 00
Escheats,	1,888 57
Annuity for right of way,	10,000 00
Allegheny Valley railroad, interest on bonds,	150,000 00
Commutation tonnage duties,	460,000 00

Tax on gross premiums,	$33,756 88	
United States Government, on account of military claims,	39,005 78	
Turnpike and plank road stock,	2,126 66	
Conscience fund,	12 50	
Excess of commission,	1,040 87	
Office license fee,	3,941 11	
Sale of fertilizers,	1,170 00	
Pamphlet laws,	171 65	
Allegheny Valley railroad, redemption of bonds,	100,000 00	
Penalty,	255 54	
State Geological Survey reports,	243 21	
Unclaimed deposits,	1,142 90	
Fines and forfeitures,	40 00	
Dividend on bridge stock,	40 00	
Tax on bonds and money at interest,	397 44	
		$6,720,334 47

Summary of the Payments at the State Treasury, from the 1st day of December, 1879, to the 30th day of November, 1880, both days inclusive.

Expenses of government,	$262,773 21
Pensions and gratuities,	23,838 77
Coal mine inspectors,	31,231 75
Common schools,	1,402,940 21
Charitable institutions,	1,020,266 60
Public buildings and grounds,	8,149 26
Mercantile appraisers,	3,294 32
Schools for soldiers' orphans,	350,559 98
State library,	4,500 00
Special commissions,	7,129 98
Fish commissioners,	15,500 00
Penitentiaries,	292,645 00
Escheats,	1,283 92
Geological Survey,	55,000 00
Miscellaneous,	48,110 04
Judges,	421,060 76
Associate judges,	31,529 98
House of Representatives,	18,157 30
Senate of Pennsylvania,	4,728 00
Normal schools,	182,899 22
County superintendents,	81,925 82
Bank assessors,	34 32
Special committees,	2,029 26
Riots, July, 1877,	1,900 17
J. W. Geary monument,	4,897 00
Turnpike and plank road stock,	321 20
Salaries,	76,646 38
Public printing and binding,	199,747 21
National Guards,	282,175 73
Delinquent dealers,	5,297 92

Collateral inheritance tax,	$276 18	
Fire companies,	700 00	
Loans redeemed,	628,689 21	
Interest on loans redeemed,	5,326 08	
Interest on public debt,	1,120,811 83	
Interest on Agricultural College land scrip fund,	30,000 00	
House of Refuge,	123,289 72	
Riots of 1875,	75 00	
Coal miners' hospital,	26,747 21	
Cornplanter Indians,	600 00	
Costs in Commonwealth cases,	40 95	
Pennsylvania State Agricultural College bonds,	40,000 00	
		$6,820,119 49

These tables show some revenue which is not derived from continuing sources, and some expenditures which are exceptional.

For the year ending 30th November, 1881, the estimated revenues are to—

The general fund,	$3,244,000 00	
The sinking fund,	2,160,000 00	
		$5,404,000 00

The estimated expenses for the same period are—

From the general fund,	$4.015,000 00	
From the sinking fund,	1,384,988 50	
		$5,399,988 00

This will leave a deficit in the general fund of	$771,000 00
There is a present deficit in appropriations unpaid of	1,043,000 00
Deficiency to be provided for in 1881,	$1,814,000 00

Provision ought to be made for this accruing deficiency. In the opinion of the financial officers of the State, it can be made by fair amendments to the revenue act of 1879. This act, with efficient management in the office of the Auditor General and the Attorney General in collecting overdue and contested taxes, has produced large additional and unexpected revenue. Our tax laws are neither uniform nor equitable; but it is certain that there are not now in possession of the Departments here any reliable and full data upon which it would be safe to attempt the enactment of any sweeping or radical changes. The commission appointed at the last session of the Legislature were furnished with no suitable or sufficient means for prosecuting their labors, and, as yet, have made no report.

Since May 10, 1880, when the present State Treasurer, Hon. Samuel Butler, assumed the duties of his office, the deficiencies in appropriations, due previous to June 1, 1880, principally to school and charitable purposes, have been reduced from $3,227,000 to $1,043,000.

During the year 1882, over $10,000,000 of the State loans will become payable by the terms of the acts creating them, as follows:

Six per cents.,	$9,271,850	
Five per cents.,	1,209,350	
Four and a half per cents.,	87,000	
		$10,568,200

The very favorable opportunity which the present low rate of money affords for the refunding of this maturing debt, at a great saving of interest to the State, will lead you to give the necessary authority forthwith, and the more especially as the Legislature is not likely to meet during the year 1882.

EDUCATION.

The State is carrying on its system of public instruction in three directions: Public Schools, Normal Schools, and the Soldiers' Orphans Schools. The report of the Superintendent of Public Instruction, Dr. J. P. Wickersham, will receive your careful attention. His views and recommendations are entitled to your consideration, by virtue of his long, intelligent, and effective service; and his very extensive experience with public schools in our own State, in other States, and in the Old World. It is most gratifying that he reports the organization of the common schools more complete than ever before, and "in all departments characterized by a vigorous life and a progressive spirit." The whole number of graded schools is 7,037—the number of schools not graded, 11,618. The total number of pupils on the rolls is 937,310, with an average attendance of 77 per cent. The expenditures of all kinds for the year ending June, 1880, not including orphan or normal schools, were $7,482,577 75. The value of the school property of the State is $25,467,097. The total indebtedness of all the school districts in the State, including those in cities and boroughs, is only $2,648,495 84, while there remain in the various treasuries of the districts, balances amounting to $1,425,213 16. These are satisfactory figures, and indicate the permanent value which this agency of progress holds in the minds of the people.

NORMAL SCHOOLS.

The condition of the normal schools and of their property will

require your notice. There have been twenty-nine hundred students in attendance during the past year. The value of their property is estimated at $1,366,395 17.

These schools are ten in number. In their establishment, there may be set down as contributed by private subscriptions $400,000. The State has contributed for grounds, buildings and apparatus, up to the year 1878, $645,000. The debts of the schools may be put at $250,000. The appropriations by the State to these schools has, for some years, been $100,000 annually. By a mere arbitrary mode of distribution, and no other seemed feasible, this sum has been parcelled out equally—$10,000 to each. For these sums, liens have been taken in favor of the State. They have been compelled to use their appropriations in paying old floating debts, or in keeping down interest on the mortgages and other liens against them. Resources which should be expended in the active conduct of the schools are thus absorbed in the reduction of debts which cripple them; and this reduction is not being accomplished in the best and most economical manner for the State or the schools. Besides, the annual appropriation has a tendency to induce the belief that it is to be a permanent relief, and weakens the administration and efficiency of the system.

The correct policy for the State now to adopt will be to pay off the entire indebtedness of the normal schools; and, so far as a surrender of the rights of shareholders and contributors can be secured, place the ownership of the several properties and all liens, in the State. After such provision in their behalf, the schools ought to be self-supporting, and doubtless will become so. No further aid from the State should thereafter be expected by them.

SOLDIERS' ORPHANS' SCHOOLS.

The conduct of these schools calls for no abatement in the pride with which all have watched their organization and growth. The supervision over them has been intelligent and rigid. The inspections have been thorough as to the physical surroundings and material well-being of the inmates of the several schools. Children admitted under existing laws must belong to one of three classes:

1. Those whose fathers were either killed or died of disease while in the army. Only one hundred of this class remain.

2. Those whose fathers have died since the close of the war of wounds or disease contracted while in the service.

3. Those whose fathers are living, but are so disabled by wounds or disease contracted while in the army, that they are unable to sup-

port their families; and in all the cases, the children must be under sixteen years of age, and in destitute circumstances. It must be said that the Superintendent of Public Instruction, while under the pressure of those who say he is too strict and is admitting too few, and the criticism of those who say he is too lax and is admitting too many, has, at all times, justly and firmly construed the statutes governing these schools—always aiming to provide for the really meritorious, and to guard the State against fraud.

There are two thousand five hundred and eighty children under the care of the State in these schools, and the cost of the system the past year was $351,431 59. For the years 1881 and 1882, about $700,000 will be needed.

The Superintendent, in his annual report, says: "*In making "the usual appropriations for the orphan schools, the Legisla- "ture of 1878 provided that no more children should be admitted "into them after the first day of June, 1882, and that they should "be finally closed on the first day of June, 1885. Should this "law stand, the system can be made to come to an end in a way "both creditable to it and to the State. The record it will leave, "will form the brightest page in our history. It will have sup- "ported, educated, and prepared for usefulness twelve thousand "of the sons and daughters of dead and disabled soldiers, and "will have expended in this noble work the magnificent sum of "$8,000,000. The whole world may be searched in vain for "another such example of patriotic benevolence.*"

HOUSES OF REFUGE AND REFORM SCHOOLS.

Fortunately, the policy and the right of the State to organize a system of public instruction have passed beyond the region of contention. Results have vindicated its wisdom as well as its cost. Following close upon it, is another topic upon which much of the very best thought of the ablest and purest philanthropists has been expended: the duty of society to its dangerous and criminal classes. It is not material, here and now, to discuss the objects of the enforcement of criminal law, whether it be mere punishment for the sake of punishment, the protection of society, the reformation of the offender, or all of these. Nor is it my purpose to enter upon the details of prison management, whether they should be ordered under the separate system, or the congregate system; nor is it indispensable, as a preliminary, to settle the question of the proper disposition of the products of convict labor. What rights has society over its criminals, and the classes out of which they come? There can be no prompt

method of putting down crime. It is incurable, except by a gradual process. Whoever employs that process expecting to realize any romantic results, or with Utopian theories, will realize nothing. But we are not without certain definite and practical results, which have been reached in our own State as well as in many others. The whole ground is by no means unexplored, nor has the whole ground been, by any means, fully covered.

We have ascertained facts and reliable data, in view of which we can go forward and in the safe direction of assured progress. We have undertaken to educate the ignorant, to feed the hungry, and to cure the diseased, by State appliances, and at the public cost. How can we best curb the vicious? A distinguished publicist has said that "whoever has the right to hang has the right to educate." Or, as no one now disputes "the right" to educate, it may justly be said that whoever has the right to hang has "the duty" to educate. The prison statistics of the whole country show some startling and unexpected facts. Too much care cannot be taken to avoid hasty, immature, and unwarranted conclusions from statistics. There is no imposition which we may not make upon ourselves by hasty jugglery with half-facts. For instance, there have been since 1870, in the Eastern Penitentiary at Philadelphia, convicts twenty-one years of age and under, to the number of nine hundred and forty-six. Of these, six hundred and fifty-eight had attended public schools, seventeen private schools, and two hundred and seventy-one had never attended school. So much for their educational relations. When their industrial relations are looked after, we find that out of the nine hundred and forty-six, as many as eight hundred and eighty-four were unapprenticed, and seven hundred and twenty-two had no trade.

In the Western Penitentiary, at Pittsburgh, of three hundred and twelve prisoners admitted during 1879:

Could not read or write,	34
Read and write imperfectly,	96
Read and write,	181
Superior education,	1
	312

Attended public schools,	265
Attended private schools,	4
Never went to school,	43
	312

Never apprenticed to a trade,	241
Apprenticed and served,	40
Not apprenticed but served four years,	20

These are not isolated figures—they prevail at about that average elsewhere.

In Maryland for 1880, the penitentiary report shows its five hundred and ninety-one inmates graded socially, as follows:

Can read and write,	283
Can read,	58
Cannot read and write,	250
	591

Never bound out,	523
Bound out and served,	42
Bound out and left,	26
	591

Now, of those who had "attended school," it would be unfair to assume that they had received any more than an imperfect and rudimentary instruction. But it tends to prove that mere elementary education, with the moral powers untouched, is no very important barrier against crime. As at the best, however, there can be no moral development in the absence of mental cultivation, "attendance at school" must lie at the base of all reform.

But the figures showing the industrial relations are significant, and lead us close to the occasion of and inducements to crime. It is the absence of a trade, the want of employment, and consequent idleness. The remedy then must be sought in that direction, and our schemes of education must be advanced to meet this condition of things. The State finds itself, under the laws of the land, the custodian of a number of young criminals. In one way or another in early life, a number of its citizens have fallen into the meshes of the law, and have become objects of State treatment, and, if you please, of State punishment. Under ordinary human experience, without the application of some reformatory measures, these youths will only go on from bad to worse, until they fall into the well-defined criminal class, to which they will then, certainly and surely, belong. They will inevitably become charges upon the State, either as paupers or malefactors. They may be thus contemplated as men and women who are likely to spend their lives in penitentiaries and jails, unless society, which must recognize their existence, can make better use of them. Any measure of education and discipline, then, which will save society

the duty of imprisoning or hanging them will become expedient and proper.

What can be done for the very young, up to the age of sixteen years, who, by commitments by courts and magistrates, have fallen into the hands of the law, for various offenses, has been well exemplified by the House of Refuge, in Philadelphia, and the Pennsylvania Reform School, at Morganza. Amid some controversy over these schools, and the methods at the bottom of them, it is too late now to question their value and service, although neither has, as yet, reached an equipment necessary for the best work. The purpose of their existence, and the aim of their managers is to rescue their inmates from the evil associations out of which they have come, and to re-form them. Few of these waifs have responsible parentage or guardianship. They are quite sure to become State charges. The State, coöperating with private benefactors, proposes to return them, self-supporting, to society under the best auspices the case will admit. Within the limits of the school they are moulded, intellectually and morally, by competent, careful teachers, and instructed, trained, and drilled to some trade or industrial pursuit. The effort is to reproduce, within the enclosure, the exact condition of society they will encounter when they return to the world. This requires time, and the inmates are retained until the work is, more or less completely, done. The process goes upon the correct and safe assumption that it is impossible to reform the conduct of a child or man without first measurably reforming his nature. The scheme is no longer an experiment, as it has been faithfully worked out in England, France, Germany, and many of the States of our Union. This leads up to an extension of the general method, which, in the judgment of political economists of the very highest authority, promises the most beneficent results. This will include all the first offenders, except of the most brutal type, under the age, say, of thirty years. The purpose of the process is to return them, too, to society with the preparation and discipline best fitted to enable them to earn an honest livelihood, permit them to retain their self-respect, and fit them to resume their places among their fellow-men, if they so choose, without the brand of infamous punishment or penal servitude upon them. The aim and scope is to give the convict intellectual, moral, and industrial training, systematic habits, and definite purposes, in a reformatory school, and not in a penitentiary: to afford him another chance in life: in short, to help him to help himself.

In the discretion of the court rendering the sentence, defend-

ants, convicted of a first offense of such magnitude as to justify adequate imprisonment, and under the age of thirty years, are committed to such an intermediate prison. They go without a determinate sentence, but cannot be held for a period longer than the maximum term fixed by law for the offense. Under a proper system of grades and classes and marks, every motive to shorten the period of detention is presented. That period will lie in the discretion of the proper officers of the institution. Positions in life are found for them, and they may then be conditionally discharged on parole, reporting from time to time thereafter their behavior and surroundings; or, in default thereof, or of good conduct for a prescribed period, liable to be returned to the institution. It has been found by experience that the prisoners thus discharged have been well received again by society, and, in one of the largest institutions of this kind in our land, it is officially reported that less than seven per cent. of the number discharged have failed to maintain their promise of good conduct. I refer to the reformatory at Elmira, New York. The Acts creating it, and the practical management there carried out, are worthy of attention and study.

Reformatory prisons, then, promise to be a most effective instrument in the diminution of crime, both by reforming the prisoner himself, and by the deterrent influence of punishment on others. Only a weak sentimentalism would propose to move out of sight the rigors and penalties which must overtake the violators of the law. It is not sentimentalism, but sound policy and conformity to the ordinary motives of human conduct, which keeps a prisoner out of the fixed classification with hardened criminals, if possible; which gives him hope, a chance for the recovery of social influence, and the means of cultivating self-respect. In the reformatory we can "copy the incidents of that frugal, honest, "self-denying, laborious poverty to which we have to restore most "of our convicts, and for which, therefore, it should be our earn-"est endeavor to qualify them. * * * No more indulgences, "save those earned by exertion and self-command: no progress "toward liberty, except through diligence in work, and the exhi-"bition of good conduct, all proved by acts, not words: by a "strenuous fulfillment of all duty, not by mere lip submission. "It is thus, and thus only, that the stern school of punishment "may be made really reformatory: may be made to give back to "society citizens, instead of spoliators, and honest men in place "of criminals."

Such an institution, after the first investment in buildings and

appointments, may become self-supporting. If it be objected that it is the organization of a trade or industrial school by the State, with all its inmates gathered from the criminal classes, it must be answered that a practical people must do practical things, and that our first business is to remedy the worse mischief. Perhaps the time ought not to be far distant when every child and young man of Pennsylvania may be enabled to become a voluntary pupil in a State industrial or technical school; but we manifestly owe an earlier duty in another direction.

It is to be hoped that Pennsylvania will keep abreast of her sister States in this vital matter of "social science" and "penal reform," terms, it must be admitted, the definitions of which are not fully settled.

If these views should meet your approval, and be deemed worthy of your adoption, the necessary statute can be readily framed. Provision, in buildings and equipment fitted for the proper organization, must be made. Nearly two thirds of our convicts are under thirty years of age. When this is considered, large drafts may be expected to be made from the number of prisoners now sent to our penitentiaries in Philadelphia and Pittsburgh. It ought to result that inmates therein will be materially decreased. With the extension of these prisons now made and in process of being made, it may be assumed that sufficient room will have been provided for all convicts liable to be dealt with under existing penal theories and methods.

The State has just entered upon the construction of a penitentiary at Huntingdon. This work should be arrested, until a final determination is reached, where it now is. It is outside of my discretion to make a specific recommendation, but there can be no practical difficulty in the conversion of the penitentiary, there contemplated, into a reformatory prison. Other practical locations and suggestions may be made, but it will be safe to do one thing at a time. If adequate results are to be expected for the very considerable expenditure required, the project ought to be built up from a clean, clear foundation, the appliances be made to conform to the best and latest experience, and the end, and all the means to that end, looked at from the beginning. A joint committee of the two Houses, who should be requested to report early in your session, could relieve the subject of much irrelevant discussion: or, a commission of citizens might be provided to report fully at this or some subsequent session.

It is impossible to deal with a question like this exhaustively or satisfactorily within the reasonable limits of a general message.

This plan offers promise of very positive relief from the pressure of the criminal class. To such as are not impatient of necessary delay, and are willing to trust the slow but sure operation of known laws, who believe in the relation of cause and effect in the moral world as in the physical world, it points to certain and specific advantages. The firm and persistent application of known means of reformation, must assuredly help us to the end we seek—the prevention of crime.

CHILDREN IN POOR-HOUSES.

From the State Board of Public Charities, from the official declarations made in the State Conventions of Poor Directors, and from the testimony of interested citizens on all sides, comes a swelling protest against the longer continuance of the evil and disgrace attending the presence of children in our alms-houses and poor-houses. In the past five years over three thousand children, under sixteen years old, have been temporary or permanent residents of these institutions. A disclosure of some of the facts, gathered from the sources above indicated, would shock the community, nor would a sense of propriety permit more than a reference to them herein. These children, in a word, are enervated by idleness, corrupted in body and soul, without the possibility of acquiring or recovering their self-respect, prepared for pauperism and crime, effectually wrecked at the outset of life. This situation of affairs is earnestly commended to your action. Acts of Assembly touching the remedy of this evil have been prepared by several parties, who have studied this phase of the social problem. The subject is not without difficulty. A statute forbidding the reception or retention in any alms-house or poor-house of any child between two and sixteen years of age, will be an indispensable starting-point. Private charity would best point out the direction of the next steps. In the absence of understood facts to stimulate the enthusiasm and fervor of private charity in this behalf, and of adequate reasons to have suggested the economy of private associations to look after this class of children, it may become your duty to devise the entire scheme. It would be gratifying if we had, throughout the State, more corporations of benevolent persons addressing themselves to this evil. Upon them, as a basis, the alms-house and poorboards could operate with money-aid, official inspection, and administrative sanction. Any and all routes to the results you seek, will lead to the well-tried expedient of placing these children in natural families, or the family and farm-school. Good examples will occur to you among the

various "Homes for Friendless Children," already in existence, and no better models can be found than many of the "Soldiers' Orphans Schools," now under State patronage.

Confessedly, there is a danger in this mode of relief to be avoided. A too careless or too profuse provision might render pauperism a desirable occupation. The tendency, at the best, of such enactments, is to release parents from a responsible sense of the duty of providing for their offspring, and to encourage improvidence. In a certain sense, they cannot cure distress, but only shift it from one part of the community to another Any plan will be confronted with a fatal objection which enables the recipients of State bounty to elude, in any serious degree, the necessities of their social existence.

In your wisdom, you will devise some relief from the perplexities of this situation. This relief should, however, be a local and not a State charge. The burden of the remedy should be borne by the local poor-boards. It is only by localizing this form of charity that efficient supervision can be secured, the guarantee of economical administration be preserved, and the risk of mendicancy becoming profitable be avoided.

BUREAU OF INDUSTRIAL STATISTICS.

In the organization of the office of the Secretary of Internal Affairs, it was provided by the act of 1874, that "his department shall embrace a Bureau of Industrial Statistics, the business of which shall be to impartially inquire into the relations of capital and labor, in their bearings upon the social, educational, and industrial welfare of all classes of working people, and to offer practical suggestions for the improvement of the same."

"The said bureau shall further collect, compile, and publish such statistics in regard to the wages of labor, and the social condition of the working classes as may enable the people of the State to judge how far legislation can be invoked to correct existing evils." The duties of the bureau are thus defined. The present Chief of the Bureau of Industrial Statistics, is the Hon. Miles S. Humphreys. The statistics he has compiled and published have taken as wide a range as the means at his control have permitted. While his powers, under the laws, are ample to collect information "by circular or upon personal application," he has, up to this time, been limited to the former method, for the reason that no appropriation has been made to pay the expenses of adopting the other. A very small percentage of the circulars are answered. The Chief of the Bureau ought to be furnished the

means of going into the great labor districts, and himself witness the labor, and see the laborers out of which his statistics come.

He is also required "to compile and publish, annually, the productive statistics of agriculture, mining, manufacturing, commercial, and other business interests of the State." If this work was once well and thoroughly done, the subsequent extensions and yearly additions would be neither difficult nor expensive. It has never been thoroughly done in this State. When we contemplate such immense manufacturing and distributing centres as Philadelphia and Pittsburgh—such workshops as Harrisburg, Reading, Bethlehem, Scranton, and Johnstown—the never-resting industries along the Delaware, Lehigh, Schuylkill, Susquehanna, and Monongahela rivers—oil development, mining ores, anthracite and bituminous coals, lime, slate—burning of coke, and farming operations everywhere, they seem to defy classification. In all this apparent chaos there is order. Every man and engine falls into pre-arranged place. Everywhere there is complexity, but nowhere is there confusion. By a sufficiently wide induction of facts, the body politic will be found to be as legitimate a growth under law as the natural body—law, as unerring in social life as in the external world. The Bureau of Statistics should reach every form in which the inhabitants of the State combine, industrial, social, educational, religious, charitable, and criminal. While this information, properly digested, could remedy no evils of itself, it would lead the public and the Legislature to many wholesome re-adjustments, in the distribution of population and money.

Districts and industries in which population or labor is becoming overcrowded would be detected, and danger signals could be put up before the evil became irremediable. The possibilities of over-production, and the creation of more commodities than we can find purchasers for, which alone seem likely to disturb the happy equilibrium now prevailing, would show themselves in the course of the rigid investigation and inquiry herein contemplated. The tendency to, or existence of, such a mischief as the "truck" or store order system would come under notice, and well-considered legislation, based on adequate facts, could be invoked for its suppression. The proper relation between the wage-laborer and the owner of the wage-fund, in the divisions of the product of their joint enterprise, would more clearly appear, and an equitable plan of Arbitration find adoption, instead of the unprofitable and destructive remedy by a strike. The times, places, and business in which Coöperative institutions might be organized with beneficial results in the distribution of wealth, might, haply, be indicated. It is not

contended that social disorders can be cured by "tabulated figures," and these are suggested only as illustrations of the practical value which accurate and faithful statistics may be made to have in our economic problems. I recommend, therefore, that an appropriation be made to this bureau sufficient, under proper accountability, to insure correct and complete results.

FREIGHT DISCRIMINATION.

The relation of "common carriers," more especially of the great trunk railroads, to the commerce of the country has assumed a very important economic aspect. So far as the control of inter-State traffic is concerned, it must be remanded to the National Legislature. Our own statutes must terminate in their operation at our State lines. Within these lines, there are certain policies to be executed, so obviously just and right as to preclude question or debate. Our Constitution has both defined them, and, by its mandate, provided the details of their enforcement.

Section three, article XVII, of the Constitution provides that "all individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State, or coming from, or going to, any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station, but excursions and commutation tickets may be issued at special rates."

Section seven, of the same article, provides that "no discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power."

Section twelve, Art. XVII, prescribes that "the General Assembly shall enforce by appropriate legislation the provisions of this article."

Your attention is called to the fact that this requirement of the Constitution has not, up to this time, been complied with.

During the year 1878, upon the petition of a large number of citizens engaged in the production of oil, charging that they were subjected to most serious injustice and grievance, by reason of discriminations in freights, the result of illegal confederated action

between certain railroads and oil shippers, suits in Equity were instituted in the name of the Commonwealth by the Attorney General, in the Supreme Court of the State, against the Pennsylvania Railroad Company, the Atlantic and Great Western Railroad Company, Dunkirk, Allegheny and Pittsburgh Railroad Company, and the Lake Shore and Michigan Southern Railway Company.

Separate bills were filed against each corporation, charging unlawful conspiracy with all the others, and the appropriate relief prayed for. The object of the Commonwealth was to procure a judicial declaration of the common law duty of carriers, in the absence of a statute, to wit: that charges must be the same for all persons similarly situated, and for all freights of a like kind and quality for a given service. The conduct of the causes was necessarily intrusted to private counsel employed by the petitioners, although under the general direction of the Attorney General. In due time the cases came before a master appointed to take testimony. The burden of the testimony was directed against the Pennsylvania Railroad Company, and the taking of testimony by the Commonwealth was completed and declared closed as to this corporation, defendant.

This corporation alone, it was then proposed, should be called upon to proceed with the taking of its testimony in answer. As the defendants in the various bills in equity were in court by virtue of their joint acts as alleged conspirators, the Attorney General, under the direction of the Governor, and in accordance with the justice and propriety of the case, and of well-settled practice, declined to order this one defendant to proceed to open its defense until the Commonwealth had closed the testimony in the cases of all the defendants. As to the Commonwealth, plaintiff, the legal status of the defendants was precisely the same as if they had all been joined in one bill.

To have facilitated a decree by the Court enjoining the performance of a duty by a corporation deriving its franchises from Pennsylvania, and contributing large taxes to the revenue of Pennsylvania, and substantially locking it up, and leaving free great rival railroad lines (connected with the oil regions by short lines in this State) incorporated by other States, and owing and paying no duty to Pennsylvania, would neither have met the reasonable views of the petitioners, nor have satisfied any sense of justice. There was a delay on the part of the petitioners in placing the Attorney General in possession of the testimony to be produced,

which indicated an intention to offer none whatever in the remaining cases.

In the meantime indictments had been found at the instance, and in the interests of the same petitioners in Clarion county, against a number of defendants for a conspiracy in the matter of procuring freight discrimination, in connection with other alleged offenses. Some of the defendants were residents in the State, within the jurisdiction of the court, and caused appearances to be entered for themselves; others were non-residents. For these, demand was made upon the Executive for requisitions. The application was heard, formally, after notice to all parties, in the Executive Chamber.

Before a decision was reached, and while the equity suits were resting upon the determination that the Commonwealth should close its testimony against all the defendants, before any one defendant should be ruled to open its case and go on with its evidence, negotiations were entered upon between the petitioners above referred to and the railroad companies, defendants, to settle, by agreement, their controversy.

The details of these negotiations, of course, need not, and did not, reach the office of the Executive department. As part of them, however, requests were presented in the interest of the petitioners to the Governor, not to issue the requisitions, followed again by requests that they be allowed to go out. Finding that the highest process of the Commonwealth was being used simply as leverage for and against the parties to these negotiations between contending litigants, and that, however entire and perfect had been the good faith in which the criminal proceedings in Clarion county might have been commenced, they were being regarded and treated as a mere make-weight in the stages of private diplomacy, I deemed it my duty, in the exercise of a sound discretion, to suspend action on the requisition. It resulted that an amicable conclusion between the litigants was reached—all suits were discontinued at the request of the original petitioners, and the litigation terminated without cost to the Commonwealth.

It is believed that all the railroads over which courts of Pennsylvania have jurisdiction, are now prosecuting their business with oil producers according to the spirit of the Constitution.

That all shippers in the State may be in condition to have the protection of statute law, it is urged that you enact the necessary legislation so that the provisions of the Constitution may be placed in reach of execution by the courts over all transportation companies, at all times, in all places, and in all interests.

MUNICIPAL GOVERNMENT.

No action has yet been taken upon the report of the municipal commission of 1876–7. It contains a mass of well-digested facts, drawn from many directions. Whether legislative action should adopt substantially the bill accompanying the report, or modify existing charters, may safely be left to your judgment.

The central idea arrived at by this commission, and like commissions in other States, has been the necessity of providing for the concentration of responsibility in the heads of departments, and the power lodged either in the mayor, which is preferable, or in the Governor, of prompt suspension and removal. This is, particularly, the over-ruling necessity of the larger cities, which, from the multiplicity and magnitude of the objects of control, are most apt to run into enormous expenditures and gross abuses before they can be checked. In the smaller cities and towns the matter is generally, if not always, sufficiently under the control of the parties most interested—the taxpayers.

The absence of great schemes of improvement and the easy understanding of municipal affairs of small cities, preclude and restrain the temptations to extravagance and abuse, at the same time that the simplicity of their organization, under existing laws, places it in the power of citizens to remove and correct maladministration before a serious peril can threaten.

The municipality and township is the unit of our political structure. These local organizations conserve the largest mass of the interests, and direct the greater part of the daily life of our people. National and State laws touch only the circumference of the political and social being of the citizen; municipal ordinances and regulations affect his interest and comforts, daily and hourly, and are in contact with him at all points. The municipal and township organizations of our State, with the exceptional status of the very large cities, have grown up out of and according to the necessities and characteristics of their inhabitants. This is the true home rule which is to preserve the free institutions of the country. It is wise to interfere with this local self-government as little as possible.

The first object is to lodge the local responsibility, and define it, so that the people of the locality can hold it strictly accountable.

The second object is to fix the relation of the local organization to the larger mass of the State. When the powers, duties, and responsibilities of the people's agents are sharply defined, and the pecuniary obligations of the municipality rigidly enforced, the legislative duties and powers of the superior government

may well cease. The success or failure of local (municipal) government is then the just measure of the activity, intelligence, and patriotism of the people.

In general, the bill proposed by the commission conforms to these principles.. The most essential points of concentrating executive duties, divorcing them from the legislative powers, and fixing the responsibility of properly or improperly executing the municipal will, and making prompt correction of the errors of incapacity or the crimes of dishonesty, the bill fully recognizes. The machinery by which these results are reached, is commended to your adoption. It is to be hoped that the labors of the commission will not be lost, and that the civic legislation of the Commonwealth may be wisely improved, saving the full autonomy of the municipal corporations, at the same time that it guards the rights of the corporators.

SECOND GEOLOGICAL SURVEY.

The Second Geological Survey of the State is progressing as fast as the appropriations will permit. This is a work which, if not well done, should not be done at all. It must possess the utmost scientific accuracy. Its treatment of soils and minerals, their location and distribution, must be the result of painstaking work, done on the ground. Its surveys and alignments must show the actual facts, and be made from actual measurements. This is precisely the way in which this great and important work is being done. It is in the hands of a board who understand fully the value of the duty in hand, under the superintendence. as State Geologist, of J. Peter Lesley, Esq., whose attainments and qualifications are unquestioned. So far forty-four reports of this work have been published, and sixteen reports are in preparation. These reports have justly attracted the highest attention everywhere. Forty-two counties have been surveyed in full, eighteen in part, and seven not at all. These seven are Columbia, Luzerne, Lackawanna, Pike, Schuylkill, Berks, and Carbon. They embrace the anthracite coal region of the State, and have been reserved that the work upon them may be made continuous and exhaustive. In a scientific and commercial point of view, the surveys to be done in them will possess the highest value. It will be expedient to make the appropriations to continue this work in accordance with the views of the board controlling the Second Geological Survey.

STATE BOARD OF AGRICULTURE.

It is important to note the continued and revived interest in the

agricultural pursuits of the State. Discussion is now so widespread among the people in their local and county agricultural societies—so much sound information as to soils, fertilizers, stock, and methods is now being disseminated, that our farmers will be likely to reach a very high point of production, and in due time come to a proper adjustment as to home products, and the means of a more successful competition with other States. The attendance at the meetings of the State Board of Agriculture shows intelligent appreciation of this great and fundamental industry in the State. The papers there read are worthy of permanent record, and some means should be devised for more faithful, more appropriate and wider distribution of the published volumes, containing them, than they now have.

The prevalence of the disease among cattle known as contagious pleuro-pneumonia, led to the enactment, on the 1st day of May, 1879, of a stringent statute for its extermination. Under that statute very great discretionary powers were given to the Governor and those appointed by him to enforce it. Thomas J. Edge, Esq., Secretary of the State Board of Agriculture, was appointed as the agent of the Governor. He gave instant and zealous attention to the suppression of the disease. He has been substantially successful; indeed, except as infected cattle have, from time to time, been brought from other States into ours, it has been eradicated. The methods adopted have met the approval of those most interested in his success, and they have been pursued with the utmost economy. The entire expense to the State, from March, 1879, to December, 1880, has been but $7,347 28, nearly half of which has been paid for infected cattle killed by proper orders. For the same purposes and without the same satisfactory results, the State of New York has expended $50,000, and the State of New Jersey $40,000.

THE NATIONAL GUARD.

It is with especial pleasure that you are referred to the report of General James W. Latta, Adjutant General of Pennsylvania. The reorganization of the National Guard conceived and partly carried out by General Hartranft, when Governor, has been perfected, and is now complete. The Guard contains eight thousand officers and enlisted men. The morale of the body is most excellent. The officers are efficient, prompt, intelligent, and earnest in their duties. The rank and file are composed of citizens, the very best types and representatives of the real people of the State. Officers and men are coöperating most harmoniously and success-

fully in the effort to make the Guard worthy of the State, and entitled to the confidence of all men. Under the liberal appropriations heretofore made, it may be said that, in their uniforms and accoutrements, their equipment is complete. These supplies have all been furnished from the arsenals and depots of the United States; are all the very best of their kind, and have been furnished to this State at their actual cost to the United States.

The entire Guard was assembled in camp this year; one camp near Philadelphia, the other near Pittsburgh. This was done without cost to the State for subsistence, or any other purposes, except only the usual one for transportation and pay, for the annual inspection required by law. At these camps, in addition to the various duties, exercises, and drills incident to military life, the entire Guard was subjected to a rigid inspection. This was conducted under officers of the army of the United States, detailed by the Adjutant General of the army. The results have fully justified the expenditure of time and money made by the officers and men in organizing the camps. In view of this experience, and of the policy of assembling the National Guard in camp for instruction, gathered as they are from remote localities, and without other opportunity for drill and military duty in large masses, authority should be given by law to order such encampments; and sufficient pay should be allowed officers and men for their detention in camp for not less than one week annually.

PENAL AND ELEEMOSYNARY INSTITUTIONS.

The report of the Board of Public Charities will contain the details which will show the condition of our penal and charitable institutions. It gives me pleasure to bear testimony to the fidelity which, in the main, characterizes their management. The condemnation, by the Board, of many jails, no longer fitted for the purpose of their construction, should claim your attention.

With the completion during the past year of the hospitals for the insane at Norristown and Warren, the State has made ample and comfortable provisions for three thousand two hundred insane persons—ample, it is hoped, for years to come. It ought to be said of the commissions to carry into effect the legislation for the hospitals at Norristown and Warren, that they have completed their work honestly, cleanly, and economically, and that in these buildings and their appurtenances, the State has received the full value of the money expended.

The State has been supplementing the work of private charity by aid to the "Pennsylvania Working Home for Blind Men,"

and the "Pennsylvania Institution for Instruction of Blind," at Philadelphia; "Training School for Feeble-Minded Children," at Media; "Pennsylvania Institution for Instruction of Deaf and Dumb" at Philadelphia, and the "Western Pennsylvania Institution for Instruction of Deaf and Dumb" at Pittsburgh, and some others.

The administration of these charities by boards elected by private contributors, and subjected to official State supervision, has afforded a most humane relief for those of our fellow-beings who have been whirled out of all the joyous conditions of life.

For the present, and in the financial straits of the State Treasury, while continuance of appropriations to all these institutions may be judicious, they must be made upon the closest and most rigid view of their necessities.

THE STATE FISHERY COMMISSIONERS.

The interest taken in the propagation and protection of edible fishes shows no signs of flagging in any of the States, and their work is admirably supplemented by the careful and elaborate reports of the United States Commission. Pennsylvania keeps pace with other States in this branch of government economy, and the report of our State board will be found to be full, intelligent, and interesting.

The increase in the valuable food fishes of Pennsylvania already surpasses, in absolute money value returned to the people, the expenditure so far made.

The report of this year will catalogue the fish which already have been increased and multiplied in the waters of the State, and those also which are in the process of further propagation.

Large distributions have been made in the public and in many even private waters of Pennsylvania, and success has attended these distributions in numerous cases. Improvement in fishways is progressing, and when piratical fishing shall have been put an end to, absolute success in their construction and adaptation may fairly be predicted.

The Commissioners found themselves compelled to put the law in force against predatory fishing in the neighborhood of their fishway lately constructed in the Columbia dam, and it is hoped that the result of the severe measures adopted will tend to correct the evil, and prevent its recurrence in future.

Low water and unlawful practices about the fishway during the run of shad in the last season made it impracticable to judge of the efficacy of the plan adopted; but improvements in construc-

tion, suggested by a first trial and a stoppage of illegal fishing, lead the Commissioners to hope that the desideratum of a successful fishway for shad will at length be filled. The report of the Board will, no doubt, be read with attention by the increasing number of our citizens interested in this recent economical movement.

THE NORTHERN AND WESTERN BOUNDARY LINES.

The northern and western boundaries of the State have been under the investigation of two joint commissions, ordered by the States interested, in 1876 and 1878. They were "to examine as to the true location of the monuments which mark the boundary line between this State" and New York, on the north, and Ohio and West Virginia on the west. The lines have been thoroughly explored and found not to be precisely upon the geographical lines recorded by charter or by law as the boundaries—the 42° of north latitude, and a short meridian extending from a point near Wattsburg, in Erie county, north to lake Erie, in the case of New York and Pennsylvania, and a meridian, commencing at the western end of Mason and Dixon's line, north to Lake Erie, in the case of West Virginia, Ohio, and Pennsylvania. A majority of both commissions, on the side of Pennsylvania, hold that the "true locations" are the meridian and the parallel, respectively. The Ohio commission hold that the restoration of the old line, although departing from the meridian, is the "true location." The New York commission has not, as yet, submitted its views. It may become a difficult question and require your consideration.

The aberrations in the case of the parallel are more extensive than in those of the meridian, as it is more difficult to lay down a line of latitude than it is a meridian.

The maximum variations from a true parallel are found to exceed one thousand feet, whilst those from the meridian do not much exceed one hundred feet. It will be for the Legislatures of the several States to decide whether to accept and continue the erratic lines as the boundaries, as they have stood for a century, or to lay down the geograpical lines of record, aided by the exact appliances of the present day, and perpetuate them, if possible, without interfering with vested interests. All the commissions are now awaiting the action of this State. What is especially needed is the appropriation necessary to place, or replace, the monuments on the boundary lines, the recent surveys being simply marked by temporary stakes, likely to be removed and thus compel the work soon to be done over again.

MISSISSIPPI VALLEY STATES COMMISSION.

Several conventions have been held at Louisville and St. Louis of delegates appointed by the Governors of the several States bordering on the Ohio, Mississippi, and Missouri rivers, and their navigable tributaries. The commission has reached a permanent organization. Its main purpose is the deepening, widening, and improving the navigation of the rivers named. They have now become thoroughfares for much of the commerce of this State. Pennsylvania has been represented by three delegates at these conventions, and some expenses have been incurred by them, and, if our representation is to continue, more will be incurred in the future. The Chamber of Commerce, at Pittsburgh, has forwarded a resolution of that body, requesting "the Governor to favor, in his forthcoming message, the appropriation necessary to meet Pennsylvania's share in the work of the commission, as well as that of the Ohio river commission," and have suggested an appropriation of "$1,000 per annum for five years for the above named purpose." The subject is committed to your discretion.

STATE BOARD OF SURVEYORS.

During the year, a convention of engineers and surveyors assembled at Harrisburg. There is undoubtedly serious mischief done as the result of ignorant and incompetent work in these professions, and much injustice and expense entailed upon litigants and others by reason thereof. As a result of the deliberations of the convention, composed of trained and skillful men in their calling, a bill has been prepared, entitled "An act to establish a State board of surveyors, and to provide for the better regulation of surveys in the Commonwealth of Pennsylvania." This bill is correct in principle, and its details well-fitted to the necessities of the case, both in private transactions and public relations to the courts.

BOGUS DIPLOMAS.

By joint resolution, approved February 13, 1879, the General Assembly requested the Attorney General to institute proceedings in the courts against the American University of Philadelphia, on acount of the abuse of its franchises "in the unlawful sale of diplomas to persons who had not pursued the prescribed course of study, and who were unfitted, by reason of ignorance, to practice medicine." In accordance with this request, writs of *quo warranto* were sued out by him against the American University of Philadelphia and the Eclectic Medical College of Pennsylvania,

another institution claiming a like charter, and managed by the same persons controlling the American University. In both cases favorable judgments have been rendered, and the said charters declared forfeited by the courts, and as an incidental result, the manager and official head of these institutions has been convicted and imprisoned for violating the laws relative to the sale of diplomas and other crimes.

Proceedings, not yet terminated, have also been commenced against the Philadelphia University of Medicine and Surgery, which is mentioned in the preamble to the resolution, and is believed to be of like character with those forfeited, and a like favorable result is expected.

This action on the part of the State authorities has not been too speedy. Evidence of the sale of diplomas in large numbers, not only in this country but in England and on the Continent of Europe, has been secured, and complaints transmitted through our representatives abroad to the State Department at Washington, of the presence in the hands of grossly ignorant persons of regularly issued diplomas from institutions chartered by the State of Pennsylvania, authorizing the holders to practice medicine, are corroborative of ascertained facts. It was high time that so serious a disgrace to the good name of the State should be abated.

No appropriation was made to enable the Attorney General to prosecute this work, and he was practically powerless until the necessary means were advanced by a public spirited citizen of Philadelphia, to whom, I trust, recompense will be speedily made through appropriate legislation. I further recommend the adoption of a system of registration of medical diplomas, with appropriate penalties for non-registration or for practicing under a diploma irregularly obtained.

THE BI-CENTENNIAL OF PENN'S ARRIVAL IN PENNSYLVANIA.

As the Legislature will not meet again under our new Constitution until 1883, I deem this a proper occasion to call your attention to the proposed celebration of the settlement of our Commonwealth, by that illustrious statesman, William Penn, whose name and memory are held in high esteem by all who have studied the history of our common country.

The mayor of Philadelphia has recently called the attention of the councils of that city, by a special message, to the fact that "two hundred years will, in the autumn of 1882, be completed since William Penn came first to the place where Philadelphia

now stands, and, by personal presence and habitation, took possession of his domain."

In view of the fact that the celebration of a great historical event would have, in some degree, a historical aspect, the mayor thinks "it desirable that a consultation should be had with the Historical Society of Pennsylvania, a body to whose usefulness in preserving in honor the history of our city, province, and State alike," he pays a high tribute.

The councils of Philadelphia have acted on the recommendation of their mayor, and committees have been appointed to give effect to his suggestions, and to report what preliminary action it may be proper to take in the premises.

The Commonwealth of Pennsylvania ought not let such an event as the first arrival and residence of William Penn within her borders pass without a recognition worthy of its interest. We all should take part in it, and exert ourselves to make the celebration worthy of the wisdom and virtues of the founder of our State, and a fit expression of the gratitude of us all to that beneficent Providence, by whose guidance and protection he was brought to our shores.

I recommend the subject to your consideration and action.

CENTENNIAL CELEBRATION AT YORKTOWN.

It is contemplated to make adequate and worthy celebration of the centennial of the surrender of Lord Cornwallis at Yorktown on the 19th day of October, 1781. As the final act of the war of the Revolution, it has an historical bearing of especial significance. This celebration has received the approbation of the national Congress, and the sum of $20,000 has been appropriated towards the expense of it. In October, 1879, the Governors of the States, which were the original thirteen colonies, either personally or by duly-authenticated representatives met in Philadelphia, to concert some measure by which the people of these States might unite in the recognition of this interesting event. The meeting was attended by many pleasing incidents, recalling the memories which bind us to the work of our patriot fathers, and the motives to a common and fraternal effort to render the coming occasion worthy of their united and happy children. But it was impossible to give the resolves of that meeting any official indorsement. I trust that the Legislature of Pennsylvania will take such action as is necessary to impress upon the proposed centennial observances at Yorktown, the stamp of the sanction of the State of Pennsylvania, and

give them the promise of enthusiastic participation in them by the people of Pennsylvania.

THE SECOND SERIES OF PENNSYLVANIA ARCHIVES.

The five additional volumes of the current series of Archives, as directed to be printed by the Legislature, have been published. Volumes eight, nine, and twelve have been delivered by the State Printer, while volumes ten and eleven will be ready in the course of six weeks. The latter volumes comprise the muster-rolls and history of the Pennsylvania Line and battalions in the revolution, and are undoubtedly the most valuable State publications ever issued. Volume twelve comprises the first portion of the muster-rolls and documents relating to the war of 1812–14. An additional volume will be required to complete their publication.

There are in existence the following State papers for the publication of which no legislative provision has been made: Volume two of muster-rolls of Pennsylvania volunteers in the war of 1812–14, with contemporary documents; papers relating to the Wyoming (Connecticut) controversy; papers relating to the early government of the Province of Pennsylvania; correspondence and documents concerning the controversy between the Penns and Lord Baltimore on the Maryland boundary; the Virginia boundary controversy; minutes of the Board of Property during the Provincial era; muster-rolls of the Pennsylvania Associators, the minute-men of the Revolution, and of the Rangers on the frontiers during the same period. These documents might be published uniformly with the other volumes of the series, yet as the early volumes are exhausted by donation to libraries and sale to subscribers, additional copies ordered to be printed should be published with actual title of contents. This subject is suggested for your consideration.

IN MEMORIAM.

Upon the morning of the 9th day of last August, William Bigler died at his residence in Clearfield.

The manifold public services of this distinguished citizen gave him high rank among the servants of the State, and made his death a loss to the entire Commonwealth.

He was born in 1813, at Shermansburg, in Cumberland county, but in very early life removed to Mercer county, and soon afterwards made his home in Clearfield. Here he engaged and prospered in the lumber business, and quietly gained the respect and confidence of his fellow citizens.

He was thrice elected a member of the State Senate, and was once chosen its president. He was appointed one of the board of revenue commissioners to apportion among the different counties of the State the taxes to be paid upon real and personal property.

In 1851 he was elected Governor of this Commonwealth, and in 1855 was chosen to represent Pennsylvania in the Senate of the United States.

In 1873 he became a member of the convention which framed our present Constitution, and took an important part in its deliberations. His latest public services were given to the United States Centennial Commission, and greatly contributed to the success of our centennial exhibition. Varying as were the demands made upon his character and ability by these differing public trusts, he proved equal to them all, and amply justified the wide confidence the people had so repeatedly reposed in him.

His life of civic usefulness was fittingly closed by a death of christian peace.

Warren J. Woodward, one of the justices of the Supreme Court of this State, died on the 25th day of September, 1879, at the age of sixty years. Judge Woodward was born in Wayne county, Penn'a. His ancestry were of the New England emigration which settled the northern part of the State under the old Connecticut disputes of a hundred years ago. He was admitted to the practice of the law in Luzerne county. His active professional life was spent in Wilkes-Barre, where he married a daughter of the Hon. David Scott. In 1856 he was elected president judge of the district composed of the counties of Columbia, Wyoming, and Sullivan. In 1861 and again in 1871 he was elected president judge of the courts of Berks county.

Judge Woodward was a man of singular purity, modesty, and simplicity of character. He was a trained student, not only in the law, but in general literature. He was exact in all the details of his private life, and conscientious, faithful, zealous, and thorough in the discharge of all public duty. His intellectual processes led him to make his conclusions from general principles, and he was essentially philosophical in his methods of thought. His mental activity was of the highest order, which never flagged or abated even though he was under the stress of delicate physical health. At all times he commanded, in respect of his integrity, his force of character, his generous humanity, his juridical learning, and his tenacity for the right, the confidence and love of the people among whom he lived. His career upon the supreme bench, so grievously cut short, would have illustrated these high

qualities and have enriched the legacy we have inherited from the illustrious names which have adorned this highest court of the State. We may all well unite in deploring the irreparable loss which the whole Commonwealth has sustained in the decease of so eminent a citizen and magistrate.

CONCLUSION.

I have ventured to refer to some public questions which may well receive your attention. Others will suggest themselves to you.

The legislation which must receive your attention will be:

Provision for the revenues of the Commonwealth:

The passage of the appropriation bills necessary to carry on the various departments, the support of penal and charitable institutions, and the like:

A bill to refund the public debt to mature in 1882:

Bills to re-apportion the State into legislative, judicial, and congressional districts.

I deem it important, also, to invite your attention to the provisions of the Constitution relating to *special legislation*. The sweeping character of the seventh section of the third article leaves little room for the enactment of any other than general laws. Such laws are, in some instances, needed to carry into effect the provisions of the Constitution, many of which are inoperative in the absence of appropriate legislation. To the end that time may not be consumed in the consideration of acts within the constitutional prohibition, I remind you that the Executive is bound, with yourselves, to a strict enforcement of the restraints on special legislation.

It will be my highest duty and pleasure to coöperate with you whenever requested or required. It will also be my highest hope that your labors may receive the approval of your own judgment, and the just sanction of your constituents.

HENRY M. HOYT.

HARRISBURG, *January 4, 1881.*